

United States District Court
District of Massachusetts

ORDER

GORTON, J.

Defendant Joseph Matz ("defendant") pled guilty to bank robbery in March, 2011. He was originally sentenced (as a career offender, as defined in the United States Sentencing Guidelines § 4B1.1(a)) to 84 months of imprisonment. In June, 2016, defendant petitioned to vacate his sentence, pursuant to 28 U.S.C. § 2255, on vagueness grounds, citing Johnson v. United States, 135 S. Ct. 2551 (2015).

In light of the recent decision of the United States Supreme Court concluding that the Sentencing Guidelines "are not subject to vagueness challenges under the Due Process Clause," United States v. Beckles, No. 15-8544, slip op. at 1 (U.S. Mar. 6, 2017), defendant's motion (Docket No. 31) is **DENIED**.

Furthermore, the Supreme Court's holding indicates that defendant has not made a "substantial showing" of the denial of

a constitutional right. See 28 U.S.C. § 2253(c)(2). Thus, the Court declines to issue a certificate of appealability.

so ordered.

/s/ Nathaniel M. Gorton
Nathaniel M. Gorton
United States District Judge

Dated April 3, 2017